

*[Handwritten signature]*



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,192	03/02/2004	Yoshio Kawahara	101229-00002	3959

4372      7590      07/13/2006  
ARENT FOX PLLC  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON, DC 20036

EXAMINER

WOO, STELLA L

ART UNIT      PAPER NUMBER

2614

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/790,192	Applicant(s) KAWAHARA, YOSHIO	
	Examiner Stella L. Woo	Art Unit 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 4, 6-9, 12-14, 17-19 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-9, 12-14, 17-19, 26-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1A-1C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 29-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 29-37 recite a rotation unit rotating said capture unit selected by said selection unit. However, the independent claims from which claims 29-37 depend recite a plurality of capture units. Applicant's original disclosure does not describe an embodiment with a plurality of capture units and a rotation unit which rotates a selected capture unit. The rotation unit is only disclosed in the embodiment with a single capture unit (Figures 6-8). In the embodiments with a plurality of capture units, the capture units are fixed (Figures 2A-5).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3, 6-9, 17, 19, 26, 28-29, 31-32, 34-35, 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 6, 17, 19 each recite a plurality of capture units capturing a target object. However, the specification describes each of a plurality of capture units capturing a different target object. For example, in Figure 2A, capture unit 2a captures a target object in front while capture unit 2b captures a target object in back. The disclosure does not describe the capture units 2a and 2b as capturing the same target object. Therefore, the claimed recitation "a plurality of capture units ...capturing a target object" is not consistent with applicant's disclosure.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-4, 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Taneya et al. (US 7,002,616, hereinafter “Taneya”).

Regarding claims 1, 3-4, 17, 18, Taneya discloses an electronic apparatus (portable telephone), comprising:

a plurality of capture units, fixed in different directions (front camera 3 and rear camera 30; Figs. 1a, 1b);

a voice input (microphone 22);

a selection unit selecting one of said plurality of capture units (user can selectively turn on either the front camera 3 or rear camera 30; col. 5, lines 23-29); and

a sensitivity control unit controlling sensitivity of said voice input unit based on a relative angle between a direction of said capture unit selected by said selection unit and a direction of said voice input unit (when the front camera 3 is turned on with casing opened, the microphone sensitivity is set to

the normal level; when the rear camera 30 is turned on with the casing opened, the microphone sensitivity is set to second high level; col. 5, lines 42-46).

8. Claims 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagai et al. (US 2004/0012701 A1, hereinafter "Nagai").

Regarding claims 12 and 13, Nagai discloses an electronic apparatus (mobile phone 100) comprising:

a capture unit (camera 20);

a voice input unit (see Figure 1; mobile phone includes a microphone indicated by openings at bottom of the key operation casing 50);

a rotation unit (rotation shaft designated by the line R-R; Figure 1) rotating said capture unit (camera 20 in casing 10) and said voice input unit (microphone within casing 50) independently (each casing can be rotated separately about axis R-R; Figure 1).

Regarding claim 14, the photographic image is rotated by 180 degrees when the camera 20 is rotated through an angle of 90 degrees to 270 degrees (paragraph 47).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taneya in view of Sokoloff (US 6,567,677).

Taneya differs from claims 6-9, 19 in that it use a single microphone with different levels of sensitivity rather than two microphones. However, Sokoloff teaches the well known use of a two microphones on a portable telephone (microphones 110 and 111; Figures 3A, 3D) and selectively using each microphone depending upon the direction of the video camera 140 (col. 3, lines 23-28). It would have been obvious to an artisan of ordinary skill to incorporate such use of two microphones, as taught by Sokoloff, as an alternative to the single microphone of Taneya for capturing audio from two different directions.

11. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taneya in view of Doran et al. (US 6,741,873 B1, hereinafter "Doran").

Taneya differs from claims 26-27 in that it does not specify obtaining only voices of which input levels exceed a threshold value among voices input to said voice input unit. However, Doran teaches the desirability incorporating such threshold determination within a mobile communication device in order to differentiate between a user's voice and background noise (Abstract) such that it would have been obvious to an artisan of ordinary skill to incorporate such voice energy detection, as taught by Doran, within the apparatus of Taneya so that only relevant voice signals are transmitted.

12. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taneya in view of Sokoloff, as applied to claim 6 above, and further in view of Doran for the same reasons applied to claims 26-27 above.

***Response to Arguments***

13. Applicant's arguments with respect to claims 1, 3-4, 6-9, 12-14, 17-19, 26-37 have been considered but are moot in view of the new ground(s) of rejection.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo  
Primary Examiner  
Art Unit 2614